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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Afghanistan, Albania, Austria, Bangladesh, Bosnia and Herzegovina, Chile, Croatia, Denmark, Egypt, Finland, Germany, Iceland, Iran (Islamic Republic of), Ireland, Italy, Kuwait, Malaysia, Morocco, Netherlands, Norway, Pakistan, Portugal, Saudi Arabia, Senegal, Sweden, Tunisia and Turkey: draft resolution

Situation of human rights in Kosovo

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, 1/ the International Covenants on Human Rights, 2/ the International Convention on the Elimination of All Forms of Racial Discrimination, 3/ the Convention on the Prevention and Punishment of the Crime of Genocide 4/ and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 5/

Recalling its resolution 48/153 of 20 December 1993,

1/ Resolution 217 A (III).

2/ Resolution 2200 A (XXI), annex.

3/ Resolution 2106 A (XX), annex.

4/ Resolution 260 A (III).

5/ Resolution 39/46, annex.

Recalling also Commission on Human Rights resolution 1994/76 of 9 March 1994, 6/ and its previous resolutions 1992/S-1/1 of 14 August 1992, 7/ 1992/S-2/1 of 1 December 1992 8/ and 1993/7 of 23 February 1993; 9/

Taking note of the report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the territory of the former Yugoslavia, 10/ in which he states that the situation in Kosovo has deteriorated further in the course of the past six months, as well as his earlier reports, 11/ in which he described the various discriminatory measures taken in the legislative, administrative and judicial areas, acts of violence and arbitrary arrests perpetrated against ethnic Albanians in Kosovo and the continuing deterioration of the human rights situation in Kosovo, including:

(a) Police brutality against ethnic Albanians, the killing of ethnic Albanians resulting from such violence, arbitrary searches, seizures and arrests, forced evictions, torture and ill-treatment of detainees and discrimination in the administration of justice;

(b) Discriminatory and arbitrary dismissals of ethnic Albanian civil servants, notably from the ranks of the police and the judiciary, mass dismissals of ethnic Albanians, confiscation and expropriation of their properties, discrimination against Albanian pupils and teachers, the closing of Albanian-language secondary schools and university, as well as the closing of all Albanian cultural and scientific institutions;

(c) The harassment and persecution of political parties and associations of ethnic Albanians and their leaders, by maltreating and imprisoning them;

(d) The intimidation and imprisonment of ethnic Albanian journalists and the systematic harassment and disruption of the news media in the Albanian language;

(e) The dismissals of doctors and members of other categories of the medical profession of Albanian origin from clinics and hospitals;

(f) The elimination in practice of the Albanian language, particularly in public administration and services;

6/ Official Records of the Economic and Social Council, 1994, Supplement No. 4 (E/1994/24), chap. II, sect. A.

7/ Ibid., 1992, Supplement No. 2A (E/1992/22/Add.1/Rev.1), chap. II.

8/ See E/1992/22/Add.2-E/CN.4/1992/84/Add.2.

9/ Official Records of the Economic and Social Council, 1993, Supplement No. 3 (E/1993/23), chap. II, sect. A.

10/ A/49/641-S/1994/1252, annex.

11/ E/CN.4/1993/50 and E/CN.4/1994/110.

(g) The serious and massive occurrence of discriminatory and repressive practices aimed at Kosovo Albanians as a whole, resulting in widespread involuntary migration, and noting also that the Subcommission on Prevention of Discrimination and Protection of Minorities in its resolution 8 (XXIII) of 20 August 1993 considered that these measures and practices constitute a form of ethnic cleansing,

Recognizing that the long-term mission of the Conference on Security and Cooperation in Europe to Kosovo played a positive role in monitoring the human rights situation and in preventing an escalation of conflict there and recalling in this context Security Council resolution 855 (1993) of 9 August 1993,

Considering that the re-establishment of the international presence in Kosovo to monitor and investigate the situation of human rights is of great importance in preventing the situation in Kosovo from deteriorating into a violent conflict,

1. Strongly condemns the measures and practices of discrimination and the violations of human rights of ethnic Albanians of Kosovo committed by the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro);

2. Condemns the large-scale repression by the police and military of the Federal Republic of Yugoslavia (Serbia and Montenegro) against the defenceless ethnic Albanian population and the discrimination of the ethnic Albanians in education, the administrative and judiciary branches of government, education, health care and employment aimed at forcing ethnic Albanians to leave;

3. Demands that the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro):

(a) Take all necessary measures to bring to an immediate end all human rights violations against ethnic Albanians in Kosovo, including, in particular, the discriminatory measures and practices, arbitrary searches and detention, the violation of the right to a fair trial and the practice of torture and other cruel, inhuman or degrading treatment;

(b) Revoke all discriminatory legislation, in particular that which has entered into force since 1989;

(c) Establish genuine democratic institutions in Kosovo, including the parliament and the judiciary, and respect the will of the inhabitants as the best means of preventing the escalation of the conflict there;

(d) Reopen and hand over to ethnic Albanians their cultural and scientific institutions;

(e) Resume dialogue with the representatives of ethnic Albanians in Kosovo, including under the auspices of the International Conference on the Former Yugoslavia;

4. Demands that the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) cooperate fully and immediately with the Special

Rapporteur of the Commission on Human Rights on human rights in the territory of the former Yugoslavia in the discharge of his functions as requested by the Commission in its resolution 1994/76 and other relevant resolutions;

5. Encourages the Secretary-General to pursue his humanitarian efforts in the former Yugoslavia, in liaison with the United Nations High Commissioner for Refugees, the United Nations Children's Fund and other appropriate humanitarian organizations, with a view to taking urgent practical steps to tackle the critical needs of the people in Kosovo, especially of the most vulnerable groups affected by the conflict, and to assist in the voluntary return of displaced persons to their homes;

6. Urges the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to allow the immediate unconditional return of the long-term mission of the Conference on Security and Cooperation in Europe to Kosovo, called for in Security Council resolution 855 (1993);

7. Requests the Secretary-General to seek ways and means, including through consultations with the United Nations High Commissioner for Human Rights and relevant regional organizations, to establish an adequate international monitoring presence in Kosovo and to report thereon to the General Assembly;

8. Calls upon the Special Rapporteur to continue to monitor closely the human rights situation in Kosovo and to pay special attention to this matter in his reporting;

9. Decides to continue examination of the human rights situation in Kosovo at the fiftieth session under the item entitled "Human rights questions".